

REMARKS

In response to the Office Action dated April 1, 2009, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that the claims as presented are in condition for allowance.

Claim 5 was rejected under 35 U.S.C. 112, second paragraph and has been amended to address the item raised in the Office Action.

Claims 1 and 3-10 rejected under 35 U.S.C. 101 as allegedly being drawn to non-statutory subject matter. This rejection is traversed for the following reasons. Claim 1 recites several apparatus for implementing the method, and thus, claim 1 is tied to particular apparatus. Claim 1 recites an environment customization device, a network and customizable devices. As the claims recite specific machines, the rejection under 35 U.S.C. § 101 should be withdrawn.

Claims 1 and 3-10 were rejected under 35 U.S.C. § 103 as being unpatentable over Nieminen in view of Hancock. This rejection is traversed for the following reasons.

Claim 1 recites, "extracting a reference location from the profile; generating a first list of environments to customize **based on a distance between the reference location and the current location**; and retrieving a second list of the customizable devices corresponding to each of the environments in the first list." Support for these features is found in at least page 13, line 20 to page 14, line 6 of the specification.

In applying the references, Hancock is relied upon for allegedly disclosing the notion of using a user's location to customize Internet services. Hancock, however, fails to disclose customizing environments based on a distance between the reference location and the current location as recited in claim 1. As such, even if Nieminen and Hancock are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Nieminen in view of Hancock. Claims 4-10 variously depend upon claim 1 and are patentable over Nieminen in view of Hancock for at least the reasons advanced with reference to claim 1.

Further, claim 10 recites that the customizable devices include one or more of motor vehicles and temperature controls. Nieminen and Hancock both relate to customizing computer services, not motor vehicles and temperature controls.

In view of the foregoing remarks and amendments, Assignee submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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